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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 4811 of 2006

Petitioner

Rai Singh Marko, S/o Shri R. N. Marko, aged about 44 years, Ranger Forest Department Kohndara, Bilaspur, Forest Range, District Bilaspur (C.G.), R/o Gayavihar, Sarkanda, Tahsil and District Bilaspur (C.G.)

Versus

Respondents

1. The State of Chhattisgarh, Through Secretary, Department of Forest, D.K.S. Bhawan, Raipur (C.G.).
2. Chief Conservator of Forest, Chhattisgarh, Raipur (CG).
3. Conservator of Forest, Bilaspur Circle, Bilaspur (CG).
4. Sakharam Koshale, Ranger, Katghora, Forest, Korba (C.G.)

**WRIT PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA**

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Shri Gautam Khetrapal, Advocate for the petitioner.

Miss Sunita Jain, Panel Lawyer for the respondents No. 1 to 3.

ORDER

(Passed on this 19th day of April, 2007)

1. The petitioner, by this petition impugns the order dated 7th March, 2006 (Annexure P/1), whereunder the petitioner has been transferred, on promotion, from the post of Forest Ranger, Bilaspur to the District Union, Laghu Vanopaj Sangh Maryadit, Bilaspur, on deputation.
2. Learned counsel appearing for the petitioner submits that for sending the petitioner on deputation no consent of the petitioner was obtained. In support of his submission learned counsel for the petitioner cited a decision of this Court in W.P.(S) No. 897 of 2007 (P. R. Jhangde Vs. State of Chhattisgarh & others), which was allowed vide order dated 17th April, 2007. In that petition it was held



that the transfer of the services of the petitioner from the Forest Department to District Union, Rajya Laghu Vanopaj Sangh, Jagdalpur was in fact sending the petitioner on deputation, without obtaining his prior consent.

3. The respondents have not controverted the averments of the petitioner to the effect that the deputation order was passed without obtaining consent of the petitioner. It is well settled principle of law that if an employee is sent on deputation, prior consent of the concerned employee should be taken.
4. In view of the foregoing averments made by the respondents, the petition deserves to be allowed.
5. As a result, the impugned order dated 7.3.2006 (Annexure P/1), in respect of the petitioner, is quashed. The petition is allowed, accordingly. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge